



CITY OF TRAVERSE CITY

STREET USE POLICY FOR COMMUNITY EVENTS

1. PURPOSE

The purpose and intent of this Policy are as follows:

- (a) The purpose of this Policy is to limit and regulate community events, including those sometimes known as festivals, on City Streets.
- (b) It is intended to protect all City streets for their primary purposes of travel, both motorized and non-motorized; to protect access for emergency vehicle response and adjacent properties; and in particular to keep free of structures and obstructions.
- (c) An objective of this Policy is to match events to an appropriate street. This is accomplished by delegating to the City Manager the authority to establish Individual Street Guidelines and determine which Streets are eligible for community events.
- (d) It sets forth the conditions within which sponsors and users of City streets will be held accountable for their use to the citizens of the City of Traverse City.

2. DEFINITIONS

The following words and phrases shall have the corresponding definitions:

- (a) "Applicant" is a non-profit organization applying for permission to use a street. As an alternative, a non-profit organization may serve in "co-applicant capacity" along with a for-profit organization.
- (b) "Central Business District" means properties within the boundaries of the Downtown Development Authority District.
- (c) "City Manager" means the person acting as City Manager of the City of Traverse City or his or her designee.
- (d) "City Clerk" means the person acting as City Clerk of the City of Traverse City or his or her designee.
- (e) "City Sponsored Event" means an event where the City of Traverse City completes and submits the Permit Application.

- (f) “Event” means a planned activity to use a street which has an attraction to the public, such as games or amplified sound.
- (g) “Mobile Event of Short Duration” means the event is continuously moving and does not close a segment of streets for more than one (1) hour.
- (h) “Non-Profit Organization” means a partnership or corporation which is tax exempt pursuant to IRS regulations or an unincorporated organization or group with its sole purpose to provide a charitable purpose as defined by the IRS.
- (i) "Permit Holder" is a non-profit organization who was previously the applicant but has applied and received approval for the event.
- (j) "Person" shall mean any individual, firm, co-partnership
- (k) “Street” means the public right-of-way of the public streets and alleys.
- (l) “Street Use Permit” or “Permit” means a permit granted by the City to regulate streets and alleys for events.

3. PERMIT REQUIRED

An Event shall not be held or announced as going to be held on a street until and unless a Street Use - Community Event Permit has been issued pursuant to this Policy.

4. EXEMPT ACTIVITIES

Events authorized by the City Commission and City-sponsored events and neighborhood block parties and similar activities are exempt.

5. PERMIT APPLICATIONS

Permit applications must be completed by the Applicant who shall be the Permit Holder and must be submitted to the City Clerk. Such applications and the submittal of the applications shall comply with the following:

- (a) Time. Applications shall be filed ninety (90) days before an Event. If an Application is filed more than one year before the Event, it shall be renewed in writing on the dates directed by the City Clerk or it may be deemed untimely and withdrawn. If submitted after the ninety (90) days, the applicant understands that the application process may not be approved in time for the event to be held.
- (b) Signature. The application shall be signed under oath or affirmation by the adult person who will attend and be in charge of the Event. That signatory is the Applicant who has authority to sign on behalf of the non-profit organization.

- (c) Permit Holder. The application shall specify the name, address, and telephone number of the Permit Holder who shall be the sponsoring non-profit organization. In the event an applicant does not have history with the city in conducting an event, three (3) professional references shall be provided and verified by the City Clerk; additionally, in such instance, the applicant shall deposit with the city the city's anticipated out-of-pocket expenses prior to the permit being issued. If three (3) professional references are not available, an event planning committee consisting of at least three (3) city residents shall be established by the applicant; and the contact information for the event planning committee shall be provided on the application.
- (d) Fee. All applications shall be accompanied by a non-refundable Street Use application-processing fee. The City Commission by resolution and after recommendation of the City Manager shall establish application fees. The application fee shall be paid at the time of making the application.
- (e) Payment for any services and equipment. Services and equipment to be provided by the City over normal service may be charged to the Permit Holder.
- (f) Insurance. Permit Holders shall provide insurance as follows:
 - (1) Comprehensive general liability insurance - \$1,000,000 per occurrence and such additional insurance and coverages as may be required by the City Clerk for special activities.
 - (2) The policy shall name the City of Traverse City as an additional insured in the policy coverage. Any amendment to or cancellation of such insurance shall require no less than thirty (30) days written notice provided to the City Clerk of such cancellation and/or amendment.
 - (3) The duration of the insurance shall encompass the total length of time any equipment is placed on City property, the street is closed or that time of the event, whichever is longer.
 - (4) Suitable proof of insurance shall be submitted to the City Clerk prior to the Event taking place. In addition, the Permit Holder shall execute a hold harmless and indemnification provision agreeing to hold the City and its officials, employees and volunteers harmless and to indemnify the City in the event of a claim resulting solely or partially from the Event or activity applied for.
- (g) Description of Event. The Event shall be described with such detail as required, and on the forms supplied by the City Clerk.
- (h) Noise Containment Plan. A plan for noise and vibration containment shall accompany the application.

- (i) **Filing Date.** An application shall not be deemed to be filed until the City Clerk states in writing that it is complete. The date of such writing shall be the date of filing of that application.

6. PRIORITY OF APPLICATIONS

Applications for Events shall be considered and decided on a first come-first serve basis as of the date they are filed. An application shall be decided after it has been properly and completely filed. Permit Holders with granted reservation requests shall have the scheduling priorities and rights as provided in this Policy. If an applicant is based outside of the five-county region, a permit may not be issued up to sixty (60) days prior to the event date, to provide an opportunity for an event to be conducted by an applicant within the five-county region.

7. RESERVATION REQUESTS

If an Event is intended to be held annually, after it is held, the Permit Holder may request that the dates for the following year or years at the location be reserved. The City Clerk may reserve those dates if the Permit has not been violated, the Permit Holder has fulfilled all obligations to the City and the Event has not created any unreimbursed expense or harm to the City. A reservation fee established by the City Manager may be charged. If the City Clerk reserves those dates, an application from that Permit Holder will be given preference over all other applications for those dates and street. Reservation requests for more than three (3) years will not be accepted. Granted reservation requests may be revoked by the City Manager if there is reason for revoking based on the health, safety and welfare of the City, such as construction or development activities, the elimination or reduction of City employees or resources needed to service the Event, or any reason stated above for not granting the request.

8. REVIEW OF PERMIT APPLICATIONS

- (a) **City Clerk.** A Permit may be granted by the City Clerk, if the Event complies with all of the following:
 - (1) The Event is limited to not more than a 24-hour period.
 - (2) For the Central Business District, a petition supporting the request is signed by the owners or occupiers of at least 50 percent of the entire footage fronting on the public street on both sides of any street by block. For buildings with more than one business, this calculation will be determined by counting the number of ground floor units, or the building owner may sign on behalf of the entire building. This requirement does not apply to Mobile Events of Short Duration or events sponsored by/conducted by the Downtown Traverse City Association.
 - (6) Notification to all affected property owners. After approval and two weeks prior to the event, the Applicant shall provide written notice to affected property

owners or occupiers, unless otherwise delayed by acceptable circumstances as determined by the City Clerk. Notice shall include specific details of the event including times of street closure, description of event, and Permit Holder contract phone number both before and during the event.

The City Manager may delegate all or any part of his or her authority under this Policy to other City employees.

- (b) City Commission. Unless the City Clerk is given authority to grant an application for a Permit, it shall be decided by the City Commission.

9. STANDARDS

The standards for granting approval of a Permit application are the following:

- (a) The activity is consistent, or can be made consistent by imposing conditions agreed to by the applicant, with City guidelines that apply to the street where the Event will take place. Individual Street Guidelines shall be adopted by the City Manager.
- (b) The activity will not unreasonably limit access to normal activity on surrounding private land.
- (c) The activity will not unreasonably interfere with or detract from the promotion of the public health, welfare, safety and recreation.
- (d) The activity does not cause a violation of any law, ordinance, rule, or regulation.
- (e) The street desired has not been reserved for other use on the date and hour requested in the application.
- (f) The activity will not cause damage to street, trees, benches, landscaping or other natural or man-made components of the street.
- (g) The activity does not entail extraordinary or burdensome expense of operation by the City.
- (h) The activity does not materially impact the characteristics or functions of street.
- (i) The activity shall not occur so soon before or after another Event that it creates a burden on the street, City staff or resources, or so soon that it unreasonably impedes the primary general public use of the street.
- (j) The Event complies with all other provisions of this Policy.

10. GENERAL CONDITIONS

The following general conditions apply to all Events. Additional special conditions may be imposed in the Permit. All terms and representations specified in the permit application are automatically special conditions to the Permit unless changed or superseded by the general conditions or an additional condition.

- (a) Access. A 20 foot wide center lane (10 feet on both sides of the center line or at such location as approved by the Fire Marshall) shall be kept clear for emergency access.
- (b) Traffic Control Devices. Traffic control devices installed in conjunction with the closure or partial closure and the detour route shall conform to the provisions of the current Michigan Manual of Uniform Traffic Control Devices. Costs arising from the installation, maintenance and removal of such devices shall be borne by Permit Holder.
- (c) Equipment and Signs. No other property, equipment or signs are to be used by participants in the street, public land, and adjacent property or water except as listed in the permit. No signs shall be erected in violation of any City ordinance. Placement of such equipment shall be coordinated with the City Clerk. Unless authorized by the City Clerk, all property, equipment and signs shall be removed from the Street on any day during which the Event, setup, or removal is not being conducted.
- (d) Cleanup. The Permit Holder shall promptly and completely cleanup and restore the site immediately following the Event or activity.
- (e) Set Up and Removal. Set up and removal shall occur promptly and the time allowed therefor shall be restricted in the Permit.
- (f) City Cost. Damage to public properties or the City's cost incurred in cleanup and repair shall be the responsibility of the Permit Holder. Payment of any such assessment shall be due within thirty (30) days. The City Clerk may require a bond, letter of credit, or cash deposit as security for cleanup and restoration.
- (g) Tents. If tents are used, the tent material shall be composed of noncombustible and flame-resistant fabric in accordance with the City Fire Code and erected to meet wind load requirements of the State Construction Code.
- (h) Advertising. Any advertising or public announcement of the Event that occurs before all necessary approvals from the City have been obtained is at the Event's own risk. No signs are allowed in the City rights-of-way outside of the event area.
- (i) Time of Events. The Permit shall specify the days and hours of the event. Unless otherwise indicated in the Permit, all Events are limited to the hours of 10:00 am and 10:00 pm daily. The City Clerk may approve a time extension for good reason.

- (j) Time of Amplified Sound. Unless otherwise allowed in the Permit, amplified music or sound shall be limited to no more than a total of six hours including normal breaks taken between the beginning and end of individual music performances between 10:00 am and 10:00 pm.
- (k) Noise. The Application shall include a current, active plan for the containment of noise and vibration attributed to the Event. Special conditions may be placed on any amplified sound to preserve the rights and enjoyment of those adjacent or near the Event. The City noise ordinance applies to all Events. This shall include but not be limited to amplified music and speech, construction, and sounds emanating from groups or crowds connected with the Event. No person shall cause, suffer, allow, or permit the operation of any amplified sound reproduction device in such a manner that it crosses a real property line of the street and raises the total sound levels by the permissible sound level limits set forth below when measured within a building.

AMPLIFIED SOUND REPRODUCTION DEVICE
MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS

Indoors across a real property line
dB(C) ABOVE
INTERIOR AMBIENT SOUND LEVEL

10:00 p.m. – 7:00 a.m.	All other times
3 dB(C)	6 dB(C)


- (l) Excavation. No digging, staking or any other ground disturbing activity shall be performed.
- (m) Trash and Toilets. Portable toilet and trash receptacles shall be provided, as necessary, for all Events based on the anticipated size of the Event. These shall be provided at the expense of the Permit Holder. The number, type and location of all receptacles and toilets shall be listed on the Permit. At least one portable toilet must be ADA compliant/handicap accessible. The Permit Holder is responsible for the cleanup of the area and removal of trash from the site.
- (n) Recycling. It shall be the policy of the City of Traverse City to encourage recycling whenever possible. The mandatory provision of an area(s) utilizing source separation containers for primary recycling materials shall be provided at all Major Events. A list of primary recycling materials shall be determined by the City Clerk ~~Manager~~. The number and location of such area(s) shall be shown on the Permit.

- (o) Contracts with the City. The proposed Permit Holder may be required to contract with the City for cost reimbursement and other obligations to the City.
- (p) Commercial Activity. All such commercial activity shall be under the control of the Permit Holder.
- (q) Vehicles. No trucks or other motor vehicles are allowed at the street except those conveying or needed for specialized equipment for the Event and allowed in the Permit.
- (r) Lights. No strobe lights or flashing lights are allowed. All lighting shall be directed at the Event and to the extent practical away from areas where the activity is not occurring.
- (s) Portable or vehicle mounted generators must be shielded from view and hearing by appropriate means.

11. REVOCATION OF USE

In addition to the penalties provided by Ordinance, a Permit may be revoked in writing at any time by the City Manager if it is determined that the holding of the Event authorized by the permit is no longer in the best interest of the public health, safety and welfare, or there has been a misrepresentation in the application or any material misstatement by the Applicant, or there has been a failure to follow this Policy, or other City ordinance, State law, or any condition attached to a Permit. The Permit Holder whose Permit is revoked by the City Manager may appeal to the City Commission within three (3) days. All activities under the permit will be suspended pending such appeal. Anyone acting pursuant to a permit that has been revoked or suspended shall be deemed to be trespassing, may be removed by City Police, and may be charged with criminal trespass. In the event that a Permit has been revoked pursuant to the provisions of this section, the Permit Holder shall not be granted a Permit under this policy for two years following the date of revocation.

I hereby certify that the above Policy was adopted by the City Commission at its regular meeting of October 3, 2011; and amended at the February 21, 2012, regular meeting; and at the December 17, 2012, regular meeting held in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, MI 49684.



Benjamin C. Marentette, CMC
City Clerk